

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,

Plaintiff

vs.

CATERPILLAR INC.

Defendant

CIVIL ACTION NO. 04-11836-RCL

MOTION TO CHANGE HEARING DATE

The plaintiff, Trans-Spec Truck Service, Inc. d/b/a Truck Service ("Trans-Spec"), hereby moves pursuant to F.R.C.P. 6 and Local Rule 40.3 for an order changing the Hearing date on MOTION to Amend *Complaint and to Alter or Amend this Court's Order Dated February 26, 2006 and Local Rule 7.1 Certificate and Request for Oral Argument*, MOTION for Sanctions, *and Certificate of Conference*, MOTION for Summary Judgment *on All Remaining Claims, Statement of Undisputed Material Facts, Certificate of Conference of Counsel, and Request for Hearing*, Emergency MOTION to Compel *Production of Documents and to Extend Discovery Period* from May 4, 2006 at 3:30 p.m. to May 3, 2006 at 2:00 p.m., or otherwise as per the convenience of the court. In support of this Assented to Motion, Trans-Spec states its counsel is unavailable on May 4, 2006 due to previously scheduled commitments that cannot be changed.

Plaintiff,

TRANS-SPEC TRUCK SERVICE INC.,
D/B/A TRUCK SERVICE

By their attorneys

/s/ Christian G. Samito
Nancy M. Reimer, Esq., BBO#555373
Christian G. Samito, Esq., BBO#639825
Donovan Hatem, LLP
Two Seaport Lane
Boston, MA 02210
(617) 406-4500

Date: April 13, 2006

LOCAL RULE 7.1 CERTIFICATE OF CONSULTATION

I, Christian G. Samito, hereby certifies that I have conferred with defendant's Counsel in good faith to resolve or narrow the issues presented in this Motion. Defendant's counsel agreed to the Motion insofar as it requests rescheduling the hearing to May 3, 2006 but objected to the language "or otherwise as per the convenience of the court."

/s/ Christian G. Samito
Christian G. Samito

CERTIFICATE OF SERVICE

I, Christian G. Samito, hereby certify that I have this day, 13th day of April, served a copy of the foregoing pleading electronically and by sending a copy by first class mail, postage prepaid, to:

John A. K. Grunert, Esq.
Campbell Campbell Edwards & Conroy
One Constitution Plaza, 3rd Floor
Boston, MA 02129

/s/ Christian G. Samito
Christian G. Samito

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